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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION**

LISA LIBERI, et al,

Plaintiffs,

vs.

ORLY TAITZ, et al,

Defendants.

Case No.: 8:11-cv-00485 AG (AJW)

[Honorable Andrew J. Guilford]

**PLAINTIFFS RESPONSE TO ORLY
TAITZ IMPROPER FILING, DKT.
636**

Date of Hearing:

Time of Hearing: 10:00 a.m.

Location: Courtroom 10D

Discovery Cutoff: None

Pretrial Conf.: None

Trial Date: None

I. INTRODUCTION:

On October 22, 2012, this Court issued an Order that the parties were to notify the Court regarding any actions in any pending disciplinary, ethical or related matters and that **the notice shall be in letter form not exceeding two (2) pages.** [Emphasis added] *See* Dkt. 574. On June 18, 2013 this Court issued an Order that Philip J. Berg, Esquire [“Berg”] was to notify the Court of the out-come of his disciplinary matter. *See* Dkt. 632. Berg was not Ordered or required to file

1 Notice on the docket; file any report pertaining to the disciplinary matter; or to re-
 2 litigate the disciplinary proceedings.

3
 4 On the evening of June 20, 2013, Berg received notice from his attorney that
 5 an unfavorable decision had been issued by the Supreme Court of Pennsylvania.
 6 Before Berg received the opinion from his attorney, Orly Taitz [“Taitz”] published
 7 the decision on her website, and among other publications, sent it out through
 8 Before it’s News, as a Reporter, as if it were a newspaper article.¹ See the
 9 Declaration of Philip J. Berg, Esquire [Berg Decl.”] filed concurrently herewith at
 10 pp. 1-2, ¶¶1-3.

11
 12 Taitz then filed a Notice of Decision with this Court on June 21, 2013, Dkt.
 13 636, vexatiously, **without Leave of Court** as required by this Court’s Order issued
 14 on June 14, 2011, Docket No. 227 and in violation of this Court’s October 22,
 15 2012 Order, Dkt. 574.. As outlined below, Taitz filing is filled with blatant lies,
 16 misrepresentations, mischaracterizations of what the disciplinary report states and
 17 attacks on Plaintiffs Lisa Liberi [“Liberi”] and Berg. Taitz then posted on her
 18 website, all over the Internet, and amongst other publications, sent it out through
 19

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 25 ¹ See <http://www.oryltaitzesq.com/?p=425830> and

26 [http://beforeitsnews.com/obama-birthplace-controversy/2013/06/philip-berg-was-suspended-](http://beforeitsnews.com/obama-birthplace-controversy/2013/06/philip-berg-was-suspended-from-practice-of-law-for-2-years-decision-by-the-supreme-court-is-attached-2462296.html)
 27 [from-practice-of-law-for-2-years-decision-by-the-supreme-court-is-attached-2462296.html](http://beforeitsnews.com/obama-birthplace-controversy/2013/06/philip-berg-was-suspended-from-practice-of-law-for-2-years-decision-by-the-supreme-court-is-attached-2462296.html)

28 Last visited on June 23, 2013.

1 Before It's News, as a Reporter, her Court filed Notice spreading her lies about
 2 Berg and Liberi.² [Berg Decl., pp. 2-3, ¶¶4-9].
 3

4 Taitz has again violated Orders of this Court; used this Court as a publicity
 5 stunt to lend her lies about Liberi, who has nothing to do with the disciplinary
 6 matter, and Berg credibility; to harass Berg and Liberi, knowing Liberi has been
 7 unavailable as she is recuperating from her serious surgery with complications, and
 8 Berg is taking care of his ill mother; to increase the Plaintiffs cost of litigation; and
 9 to further defame and harm Berg and Liberi. Taitz filing was nothing more than
 10 vindictive and vexatious.
 11

12 Taitz posting and filing with this Court, with her lies, of the Supreme Court
 13 Opinion was improperly done by Taitz, prior to Berg receiving the Opinion, much
 14 less notifying this Court. Further, this notice should have been handled by a
 15 simple letter to the Court as Ordered by this Court on October 22, 2012. *See* Dkt.
 16 574.
 17

18 Taitz violations of the Court's Orders and unethical behaviors and tactics
 19 must be stopped. Taitz tactics and improper behaviors are in violation of the State
 20 Bar Rules and her tactics should be sanctioned; Taitz must be enjoined to stop
 21

22 ² <http://www.OnlyTaitzEsq.com/?p=425949>; and

23 [http://beforeitsnews.com/obama-birthplace-controversy/2013/06/philip-berg-was-suspended-](http://beforeitsnews.com/obama-birthplace-controversy/2013/06/philip-berg-was-suspended-from-practice-of-law-for-2-years-decision-by-the-supreme-court-is-attached-2462296.html)
 24 [from-practice-of-law-for-2-years-decision-by-the-supreme-court-is-attached-2462296.html](http://beforeitsnews.com/obama-birthplace-controversy/2013/06/philip-berg-was-suspended-from-practice-of-law-for-2-years-decision-by-the-supreme-court-is-attached-2462296.html)
 25

26 Last visited June 23, 2013.
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1 harassing, harming and damaging the Plaintiffs; to save Court time and resources;
2 and Plaintiffs should be awarded damages, attorney fees and costs. The Court
3 should enjoin Taitz's damaging and unethical actions and Sanction Taitz for her
4 abuse of the judicial process and bad conduct.
5

6 **II. TAITZ HAS MISREPRESENTD FACTS and BLATANTLY**
7 **LIED to this COURT AGAIN:**

8 Plaintiffs incorporate herein by reference the previous paragraphs as if fully
9 plead here at length.
10

11 Taitz is not new in her tactics of misrepresenting facts; lying to this Court
12 and or using this Court and the Federal filing system to further harass, defame and
13 harm the Plaintiffs.
14

15 Taitz in her Notice to this Court, Dkt. 636 states the following:
16

17 **Taitz Notice on page 2:**

18 *"Ruling by the Supreme Court attached herein as Exhibit 1 provides a*
19 *list of 10 violations, among them fraud, which stems from coordinated*
20 *actions by Philip Berg and his paralegal Lisa Liberi, both of whom*
21 *are Plaintiffs herein."*

22 Nowhere in the report from the Supreme Court is there a finding of fraud. And,
23 the disciplinary hearings had nothing to do with Lisa Liberi nor were any type of
24 findings regarding Lisa Liberi. There is not any allegation, finding or inference
25 that any violations were for fraud or that they stem *"from coordinated actions by*
26 *Philip Berg and his paralegal Lisa Liberi"*.
27
28

1 **Taitz Notice on page 2:**

2 *"Additionally, the Supreme Court included in its' ruling a contention*
3 *by the Disciplinary Board that records submitted by Philip Berg to the*
4 *Disciplinary Board of the Supreme Court were manufactured,*
5 *however the Supreme Court did not find sufficient proof that Berg*
6 *manufactured letters by his paralegal Liberi, that Liberi did not*
7 *consent to production of these letters. However, the sworn declaration*
8 *by Liberi, that she notified the client, which was provided to Judge*
9 *Guilford by DOFF previously, is clearly contradicted by Berg's*
 ultimate admission that the client indeed was never notified about
 dismissal of her case."

10 There were no contentions whatsoever that Liberi consented or didn't consent to
11 the production of any documents, nor that Berg "manufactured" any documents
12 "by...Liberi", Liberi had nothing to do with, nor was she involved with the
13 disciplinary proceedings, allegations, or charges. Berg admitted that he never
14 personally notified his client, however his office did. Unfortunately Berg's client
15 never received the communications because she had moved and the letters were
16 sent to her old address as was previously explained to this Court in Liberi's
17 declaration.
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21 **Taitz Notice on page 2:**

22 *"On 06.20.2013, one day after having his license suspended, instead*
23 *of submitted a required notification of suspension of his law license,*
24 *Philip Berg submitted to Judge Guilford a request for a leave of Court*
25 *signed by him as an attorney for all the Plaintiffs."*
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1 Berg's licensee to practice law was not suspended on June 20, 2013, nor did Berg
 2 learn of this decision until after when he received a call from his attorney. Berg's
 3 license is still active as of this date.
 4

5 **Taitz Notice on page 3:**

6 *"In light of Lisa Liberi's 2008 conviction on 10 counts of forgery of an*
 7 *official seal, attempt to file forged IDs and grand theft FWV028000*
 8 *Superior Court of California, San Bernardino County and 06.19.2013*
 9 *suspension of Berg with evidence of him working with Liberi and*
 10 *making fraudulent statements and submitting "recreated" records..."*

11 Liberi's prior conviction has no relevancy to this case or the disciplinary
 12 proceedings. The disciplinary hearings did not pertain to Liberi; Liberi was not
 13 convicted of "attempting "to file forged ID"s"; nor was there any allegation,
 14 evidence, finding or mention in the disciplinary proceedings or Report of Berg
 15 "working with Liberi and making fraudulent statements and submitting
 16 "recreated" records".
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19 **Taitz Notice on page 3:**

20 *"Berg was representing Plaintiffs herein pro hac vice. His cousin,*
 21 *Randy Berg, was only a CA sponsoring attorney for pro hac vice for*
 22 *Berg. With current suspension of Berg the pro hac vice is no longer*
 23 *valid. Attorney Stephen Marcus made only one appearance, he never*
 24 *substituted for Berg. As of now there is no attorney representing the*
 25 *Plaintiffs either in this Court or in the Court of Appeals for an appeal*
 26 *of denial to dismiss the First Amended Complaint under antiSLAPP.*
 27 *Docket of this case has to be modified to reflect that from 06.19.2013*
 28 *all of the Plaintiffs are appearing pro se, without a representation by*
an attorney. Defendants will need information from the Court, where
to serve individual pro se Plaintiffs".

1 Berg's license to practice law was not suspended as of June 19, 2013 and Berg is
2 currently admitted and active to practice law; Randy Berg, Esquire and Stephen
3 Marcus, Esquire, both with **Gittler & Bradford** represent all the Plaintiffs; Berg's
4 *Pro Hac Vice* status is still active; Plaintiffs are not pro se; there is no appeal
5 pending to the Court of Appeals as of this date; and Taitz is only attempting to
6 obtain Plaintiffs home addresses to publish it, further harass the Plaintiffs and their
7 families, and have her supporters harass the Plaintiffs.

8 Berg was not afforded the opportunity to notify this Court as to the
9 Pennsylvania Supreme Court Ruling regarding his disciplinary matter prior to
10 Taitz filing it and publishing it with all her false accusations, allegations and false
11 recitations of the Pennsylvania Supreme Court Ruling, all over the internet, mass
12 Emailing it and sending it out through beforeitsnews.com as a press statement.

13 As outlined above, Taitz is again lying to this Court and using this Court and
14 the Court's ECF filing system as a publicity stunt and to lend her false accusations,
15 allegations about Berg and Liberi, and false recitations of the Pennsylvania
16 Supreme Court Ruling credibility in the publics' eye.

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23 **III. THIS COURT MUST SANCTION ORLY TAITZ:**

24 Plaintiffs incorporate herein by reference the previous paragraphs as if fully
25 plead here at length.
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1 Taitz engaged in a series of actions within and without this Court which
2 were designed to harm Plaintiffs and to frustrate Court proceedings and actions and
3 to distort Plaintiffs case. Taitz's continued actions are willful, wanton, vexatious
4 and intentional. As a result hereof, Plaintiffs have been harmed and damaged and
5 will continue to be harmed and damaged until this Court takes action and stops
6 Taitz unethical, harmful and damaging behaviors. Taitz is, has, and will continue
7 willfully abusing the judicial process until she is stopped by this Court.

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11 Similar to Chambers v. NASCO, Inc., 501 U.S. 32 (1991), Taitz has (1)
12 failed to adhere to the Court's Orders, (2) filed false and frivolous pleadings, and
13 (3) attempted, by other tactics of delay, oppression, harassment and massive
14 expense upon Plaintiffs in order for Plaintiffs to litigate their case, attempting to
15 force Plaintiffs to dismiss their case; and (4) using the Court for publicity stunts
16 further defaming and injuring Plaintiffs, using the Court to lend credibility to her
17 published false accusations, allegations and made-up stories about the Plaintiffs.

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19
20 This Court has the inherent power to sanction Taitz for her improper and
21 unethical behavior outlined hereinabove. Default Judgment should be entered
22 against Taitz and in favor of Plaintiffs pursuant to this Court's October 22, 2012
23 Order, Dkt. 574. Hester v. Vision Airlines, Inc., No. 11-15656, 2012 U.S. App.
24 LEXIS 14683 (9th Cir. Jul. 18, 2012) (Court has the inherent power to set aside
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1 Defendant's Answer and enter Default Judgment in favor of Plaintiff as a Sanction
2 for discovery abuses.).

3
4 In addition to the above, Plaintiffs should be awarded attorney fees and
5 costs; damages; Taitz should be enjoined from the unethical tactics discussed
6 herein; and Sanctioned in an amount determined by this Court as a separate
7 sanction, which this Court has the inherent power to do. *See Fink v. Gomez*, 239
8 F.3d 989 (9th Cir. 1991) at 991 (quoting *Roadway Express, Inc.*, , 447 U.S. 752
9 (1980) at 766). The *Fink* Court stated that the *Roadway* Court also "noted that a
10 Court 'certainly may assess [sanctions] against counsel who willfully abuse
11 judicial processes.'" *Id.* (quoting *Roadway Express, Inc.*, 447 U.S. at 766). *See*
12 *Fink*, 239 F.3d at 991-92; *See also Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991)
13 (holding that sanctioning those who abuse judicial processes with bad-faith
14 conduct is within the discretion of the Court); *Roadway Express, Inc. v. Piper*, 447
15 U.S. 752 (1980) (holding that the Court has the inherent power to assess attorneys'
16 fees); *Nat'l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639 (1976)
17 (affirming a Court's discretion to impose extreme sanction of dismissal for bad-
18 conduct on part of parties and their attorneys).

